## IN THE HIGH COURT OF JUDICATURE AT BOMBAY TESTAMENTARY AND INTESTATE JURISDICTION TESTAMENTARY PETITION NO. 257 OF 1997

Sir Dinshaw Maneckji Petit and others ... Petitioners

Mrs. Rodabeh Sawhny @ Rodabeh Sawhny ... Deceased

Ms. Yashvi Panchal for petitioner No.2.

CORAM: MANISH PITALE, J.

DATE : 26th MARCH, 2024

**P.C.**:

. In this petition, probate was granted by an order dated 07.02.1998. The petitioner in this petition is now the only surviving executor of the Will dated 08.09.1992, said to have been executed by the deceased.

- 2. By order dated 24.01.2024, this Court allowed Miscellaneous Petition No.137 of 2017 for revocation of probate and consequently, the present petition stood revived. The petitioners in the revocation petition were granted liberty to take appropriate steps, including filing of caveat, if so advised.
- 3. Subsequently, the petitioners in the miscellaneous petition brought to the notice of this Court that upon revival of the present testamentary petition, the only surviving petitioner herein had indicated to his solicitors that he intends to withdraw the testamentary petition itself. In that light, this Court, by order dated 23.02.2024, reserved liberty to the petitioners to institute proceeding for pursuing prayer clauses (c) and (d) in the revocation petition, which pertained to their claim of letters of administration being

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granted in their favour and appointment of an administrator on the estate of

the deceased.

4. Today, the learned counsel for the sole surviving executor and

petitioner in the present petition, on instructions, seeks permission to

withdraw the present petition.

5. Accordingly, the petition is disposed of as withdrawn. The petitioners

in the revocation petition are at liberty to take appropriate steps in terms of

order dated 23.02.2024 passed in Miscellaneous Petition No.137 of 2017.

6. Court fees shall be refunded as per rules.

(MANISH PITALE, J.)

Priya Kambli